

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et al,	:	
	:	
Plaintiff(s)	:	
	:	Case Number: 1:01cv378-SJD
vs.	:	
	:	District Judge Susan J. Dlott
CINERGY CORPORATION,	:	
	:	
Defendant(s)	:	

AGREED ENTRY STAYING LITIGATION

With consent of counsel and the court being in all respects duly and sufficiently advised, IT BE AND IS HEREBY ORDERED that the within cause of action be stayed. The named plaintiffs in the within suit, Billy Brantley, Todd Tolbert, Anthony Martin and Rodney Jones, have been designated by agreement of the parties as several of the “Representative Plaintiffs” for purposes of settlement of a Race Discrimination Class Action Suit, Case No. A0302263, Cynthia Smith, Prather Blackmon, Bennie Causby, Morris Jackson and Benitta Epperson, individually and on behalf of all others similarly situated and Marry Marrow, individually v. Cinergy Corp. filed in the Hamilton County Common Pleas Court (“State Class Action”).

Cinergy has denied, and continues to deny, that class certification would be proper and Cinergy’s consent to Rule 23(B)(2) the certification of the above Class is for the purposes of achieving a settlement, and does not constitute an admission by it that a class should have been certified in any of the lawsuits, that any of the requirements of Rule 23 can or could not be met, or that a class should be certified should the settlement not be approved. Cinergy further has denied, and continues to deny, that joinder of the named plaintiffs in the within lawsuit is proper and that consolidation of the within suit with Case No. C-1-02-586, Michael L Reid (sic), Ival

Angel, Thomas Goines and Jerome Minor v. Cinergy Corp., or any other lawsuit is proper.

The parties hereby agree that the within cause of action shall be stayed pending Final Approval of the Settlement in the State Class Action. ("Final Approval" shall occur thirty days after entry of an Order by Hamilton County Common Pleas Court finally approving the Class Action Settlement if no appeal from such Final Approval is taken, or thirty days after all appeals taken have been resolved in favor of the Settlement, whichever is later) Upon Final Approval of the Settlement in the State Class Action, the within cause of action shall be dismissed by agreement of the parties with prejudice. In the event that Final Approval of the Settlement Agreement in the State Class Action is denied, the parties hereby agree that the stay of litigation in the within cause of action shall be lifted and shall proceed in the United States District Court for the Southern District of Ohio as originally filed.

It be and is hereby further agreed that Plaintiffs, Billy Brantley, Todd Tolbert, Anthony Martin and Rodney Jones, will be afforded additional time to respond to Defendant, Cinergy Corp.'s, Motions for Summary Judgment as filed as to each named plaintiff on or about August 1, 2003 in the event that the within stay is lifted as a result of the denial of Final Approval of the Settlement Agreement in the State Class Action.

____s/Susan J. Dlott_____
Susan J. Dlott
United States District Judge

/s/ Jill T. O'Shea
Jill T. O'Shea (0034692)
Attorney for Defendant
Cinergy Corp.
139 East 4th Street, 25 Atrium II
P. O. Box 960
Cincinnati, Ohio 45201-0960
513-287-2062

/s/ Paul H. Tobias (per telephone authorization on 1/6/04)
Paul H. Tobias (0032415)
David D. Kammer (0061808)
Tobias, Kraus & Torchia
911 Mercantile Library Building
414 Walnut Street
Cincinnati, Ohio 45202
513-241-8137

/s/ David W. Sanford (per telephone authorization on 1/6/04)
David W. Sanford
Eric Bachman
Charles Dixon
GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.
7 DuPont Circle
Suite 200
Washington, D.C. 20036

/s/ Grant E. Morris (per telephone authorization per DWS on 1/6/04)
Grant E. Morris
LAW OFFICES OF GRANT E. MORRIS
7 DuPont Circle
Suite 250
Washington, D.C. 20036